

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

In the Matter of

Creation of a Low Power Radio Service

TO THE COMMISSION

)
)
) MM Docket No. 99-25
)
) RM-9202
) RM-9242

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MAY 17 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**SUGGESTION FOR A COMPROMISE RESOLUTION OF THE ISSUES
RAISED IN THE PETITION TO CORRECT INADVERTENT OMISSION**

The Minority Media and Telecommunications Council ("MMTC") and the 23 organizations it represents in the Low Power FM proceeding respectfully submit this suggestion for a resolution of the issues raised in their February 29, 2000 "Petition to Correct Inadvertent Omission" ("Petition"), as supplemented by their March 7, 2000 "Additional Points and Authorities."

The Petition sought assistance for minority broadcast training institutions ("MBTIs") in obtaining LPFM permits. The Petition noted that remedying discrimination against MBTIs would raise no constitutional concerns because MBTIs are mission- rather than race-based.

However, with the window for the first LPFM applications fast approaching, it is paramount that all schools -- public and private, religious and secular, nonminority and minority -- enjoy a fair opportunity to obtain LPFM permits. As we have noted, schools are seldom able to time-share, and are loath to game the system by prearranging time shares among like-minded, comparatively tied applicants. Moreover, schools typically need more time than other applicants to obtain the financial and fiduciary approvals needed to apply for federal permits. Thus, under the rules as they stand now, schools face serious procedural disadvantages. Consequently, many schools, particularly minority schools, presently expect to forego the opportunity to seek LPFM permits.

This dilemma cannot be cured by broadening efforts to recruit educational applicants. The education community is almost entirely on-line; it is quite familiar with LPFM. No amount of recruitment will induce schools to invest time and money in a futile pursuit of LPFM permits.

Seeding the first wave of permittees with educational institutions will do much to ensure the success and spectrum integrity of LPFM. It is worth recalling that the first radio licensees were schools, as were the early low power, Class D licensees. Schools are stable, enduring enterprises, and they are among the most responsible and careful of all licensees. It is almost unheard of for an educational licensee to commit an engineering violation. Schools can train other LPFM pioneers in

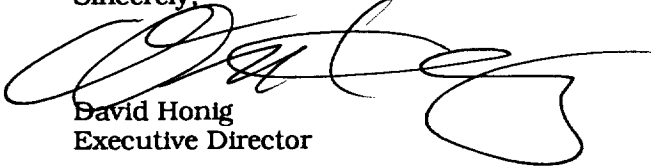
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the techniques of good broadcasting, and can help them avoid overmodulated, overpower, or out of band broadcasts. By ensuring that many of the first LPFM permittees are schools, the Commission would be responsive to good-faith concerns, articulated by LPFM skeptics including members of Congress, that inexperienced LPFM broadcasters will interfere with the signals of full power stations.

Consequently, we suggest that the Commission provide that an LPFM applicant may claim one additional comparative point if it is an educational institution, broadly defined. This point could be claimed in addition to any points the applicant receives for established community presence, proposed operating hours and local program origination.

We respectfully request the Commission to act very quickly on this suggestion in light of the shortness of time before the opening of the first LPFM window.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Honig', written over a horizontal line.

David Honig
Executive Director

Counsel for:

African American Media Incubator
Black College Communications Association
Cleveland Talk Radio Training Consortium
Cultural Environment Movement
Fairness and Accuracy in Reporting
League of United Latin American Citizens
Media Action Network for Asian Americans
Minority Business Enterprise Legal Defense
and Education Fund, Inc.
Minority Media and Telecommunications Council
National Asian American Telecommunications
Association
National Association for the Advancement of
Colored People
National Association of Black Journalists
National Bar Association
National Hispanic Foundation for the Arts
National Hispanic Media Coalition
National Indian Telecommunication Institute
National Latino Telecommunications Taskforce
Native American Journalists Association
Project on Media Ownership
Puerto Rican Legal Defense & Education Fund
Rainbow/PUSH Coalition
San Diego Community Broadcasting School
Telecommunications Research and Action Center
Women's Institute for Freedom of the Press

May 17, 2000

CERTIFICATE OF SERVICE

I, David Earl Honig, hereby certify that I have this 17th day of May, 2000 caused a copy of the foregoing "Suggestion for a Compromise Resolution of the Issues Raised in the Petition to Correct Inadvertent Omission" to be delivered by U.S. First Class Mail, postage prepaid, to the following:

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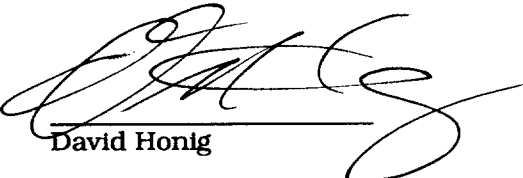
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*/ By hand.



David Honig